

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session
Testimony in Support (favorable) to SB 0655
“Income Tax - Credit for Firearm Safety Devices”
Written testimony submitted on 08 March, 2023

To the Chair, members and staff of the 2023 Senate Judicial Proceedings Committee,

Thank you for taking time to read my testimony **in support** of SB 0655, “Income Tax - Credit for Firearm Safety Devices”. I have a favorable opinion of this bill, and I am supportive of it. I stand in support of this proposed legislation for a number of reasons. For background, I am a Maryland resident and I reside in Montgomery County. Here are many reasons why I think this bill should be advanced out of the House Judiciary committee.

The Maryland Declaration of Rights recognizes the U.S. Constitution Bill of Rights as the Supreme Law of the Land. This bill does not conflict with the 2nd Amendment and the prescriptions of the recent U.S. Supreme Court Bruen decision because the bill is in keeping with the plain text meaning of the Second Amendment to the U.S. Constitution. The proposed law is analogous to regulations and laws from the 18th century, including the era of the country’s founding. It is within the analogs and norms of known and referenced historical regulations from the era of the nation’s founding. There are founding era historical analogs to the bill’s proposed regulations. The bill matches the historical tradition of the 18th century and the era of the country’s founding. Therefore, on its face the proposed law is in keeping with the Constitution and the Maryland Declaration of Rights, as well as the requirements from hundreds of years of judicial precedent including the Bruen decision.

It is also in compliance with the Maryland Declaration of Rights, including Articles:

2 – Which recognizes that the US Constitution is the Supreme Law of the State, including the 2nd Amendment.

6 – That requires Maryland’s Senators and Delegates to be accountable for their conduct as Trustees of the Public. Because the bill meets the requirement of the Declaration and Bill of Rights, and because the Committee members have been informed and know the Act is in compliance with the Declaration and Bill of Rights, should the bill be made law the Public trust will be upheld by the Committee members and other General Assembly members.

24 – Which prohibits unconstitutional and illegal loss of liberties, property, personal destruction, etc. If “safe storage” laws are passed there are many people in Maryland that will not have the money required to safely store their firearms in operable conditions. Those that have the funds to do so will be able to exercise the right to self-defense, and those that don’t have the funds to do so will not. This is patently unfair. There should be no costs associated with the exercise of any right, including the right to self-defense guaranteed by the second amendment. Should this law not be passed many low income people, including minorities, women and people of color, will be deprived of the right to self-defense. Additionally, should anyone be criminally or otherwise charged for failure to safely store their weapons due to lack of money, such persons would be unconstitutionally and illegally deprived of property due to any such charges.

25 – That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law. This proposed law is in keeping with the exact requirements

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of this Article. It would be cruel and unusual for the State to require storage laws while simultaneously depriving low-income persons of the right to safely store their firearms for use in case of confrontation.

This bill should be passed with great haste out of committee. This law will help the State to ensure that the rights of its law-abiding citizens are respected and protected. It is in keeping with lawful governance and rule of law and it complies with the requirements of Supreme Court precedent and jurisprudence. It also restores trust in the Maryland’s elected Trustees. And, it will make sure that the right to self-defense is not a right that is only available to those that can afford its exercise.

PLEASE PASS THIS LEGISLATION WITH ALL DUE HASTE. Thank you for your consideration.

Frank Clary

08 March 2023